



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

26212 7590 04/11/2011
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

BARON, JAMES T

ART UNIT

PAPER NUMBER

2454

DATE MAILED: 04/11/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/561,428

03/26/2007

Dipan Patel

12587-0266US1

6357

TITLE OF INVENTION: METHOD AND SYSTEM FOR SELECTIVELY DISTRIBUTING DATA TO A SET OF NETWORK DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/11/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26212 7590 04/11/2011
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/561,428 03/26/2007 Dipan Patel 12587-0266US1 6357

TITLE OF INVENTION: METHOD AND SYSTEM FOR SELECTIVELY DISTRIBUTING DATA TO A SET OF NETWORK DEVICES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	07/11/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
BARON, JAMES T	2454	709-220000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,428	03/26/2007	Dipan Patel	12587-0266US1	6357

26212	7590	04/11/2011
FISH & RICHARDSON P.C.		
P.O. BOX 1022		
MINNEAPOLIS, MN 55440-1022		

EXAMINER
BARON, JAMES T

ART UNIT	PAPER NUMBER
2454	

DATE MAILED: 04/11/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 23 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 23 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No.	Applicant(s)	
	10/561,428	PATEL, DIPAN	
	Examiner	Art Unit	
	JAMES BARON	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The Request for Continued Examination filed on 12/30/2010.
2. ☒ The allowed claim(s) is/are 112-147, 149, 150, 152, 153, 155 and 156.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input checked="" type="checkbox"/> Other <u>Miscellaneous Letter.</u> |
|---|---|

/J. B./
Examiner, Art Unit 2454

/Joseph E. Avellino/
Supervisory Patent Examiner, Art Unit 2454

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following is an examiner's statement of reasons for allowance:

The closest prior arts found by the Examiner for the instant claims are Poli et al. (WO 00/64178), hereafter Poli and in view of van Lunteren (US 6611832 B1), hereafter Lunteren. Poli discloses a system for updating set top boxes on a network, and Lunteren discloses a system of finding a device on a network by utilizing an IP prefixing and matching search. Neither of these references disclose the currently amended independent claims as presented and arranged. Further, there are no obvious reasons that a person of ordinary skill in the art would combine these systems to perform the currently amended independent claims as presented and arranged. Accordingly, the currently amended independent claims as presented and arranged are deemed as allowable.

The remaining dependent claims are deemed as allowable because of their dependence upon the allowed currently amended independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2454

Authorization for this examiner's amendment was given in an email (attached) from Marie Smyth (Reg. # 65404) on 04/01/2011.

Examiner's Amendments to the Claims

Please amend the claims as follows:

Claim 112

(Currently amended by Examiner) A method comprising:

receiving, by a set top box, update code streamed to the set top box by a server on a predetermined channel;

generating, by the set top box, a trigger to check whether the set top box is to invoke the update code that is continuously streamed to the set top box by a server on a predetermined channel;

receiving, by the set top box in response to the trigger, an m-bit update flag included in the update code, wherein the m-bit flag does not uniquely identify the set top box;

accessing, by the set top box in response to the trigger, an n-bit unique hardware identifier assigned to the set top box;

comparing, within [[by]] the set top box, the m-bit update flag to a predetermined portion of the n-bit unique hardware identifier, wherein n is greater than m;

determining, based on comparing the m-bit update flag to the predetermined portion of the n-bit unique hardware identifier, that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier; ~~and~~

selectively invoking, by the set top box, the first update code based on determining that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier.

Claim 113

(Previously Presented) The method of claim 112, further comprising:

determining, in response to determining that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier, that the update code is a newer version of code that exists on the set top box, wherein the update code is selectively invoked based on determining that the update code is a newer version of code that exists on the set top box.

Claim 114

(Previously presented) The method of claim 112, further comprising determining that the set top box has been booted or rebooted, wherein the trigger is generated based on determining that the set top box has been booted or rebooted.

Claim 115

(Previously presented) The method of claim 112, further comprising determining that a predetermined period of time has elapsed, wherein the trigger is generated based on determining that the predetermined period of time has elapsed.

Claim 116

(Previously presented) The method of claim 112, further comprising receiving a user selection, wherein the trigger is generated based on receiving the user selection.

Claim 117

(Previously presented) The method of claim 112, further comprising receiving a confirmation from the user that the update code is to be invoked, wherein the update code is invoked based on receiving the confirmation from the user.

Claim 118

(Previously presented) The method of claim 112, wherein invoking the update code further comprises identifying a future predetermined time in which the set top box is to download and run other code from the predetermined channel.

Claim 119

(Currently amended by Examiner) A method comprising:

determining, by a server, a first quantity of set top boxes to update from a plurality of set top boxes;

determining a quantity, n , of bits in an n -bit unique hardware identifier assigned to each set top box;

selecting, by the server, a value, m , based on the first quantity of set top boxes to update and the quantity, n , wherein the value, m , is less than the quantity, n ;

generating, by the server, an m -bit update flag;

including, by the server, the m -bit update flag in update code; and

streaming, by the server, the update code, including the m -bit update flag, to the plurality of set top boxes on a predetermined channel.

Claim 120

(Previously presented) The method of claim 119, further comprising:

after streaming the update code to the set top boxes, determining a quantity of users that have provided feedback for the update code.

Claim 121

(Currently Amended by Examiner) The method of claim 120, further comprising:

~~determining, by the server,~~ determine a second quantity of set top boxes to update from the plurality of set top boxes based on the quantity of users that have provided feedback for the update code;

~~selecting, by the server,~~ select a value, o , based on the second quantity of set top boxes to update and the quantity, n , where the value, o , is less than the quantity, n ;

~~generating, by the server,~~ generate an o -bit update flag;

~~including, by the server,~~ include the o -bit update flag in update code; and

~~streaming, by the server,~~ stream the update code, including the o -bit update flag, to the plurality of set top boxes on the predetermined channel.

Claim 122

(Currently amended by Examiner) A system comprising:

~~one or more computers~~ a set top box; and

a non-transitory computer-readable medium coupled to the ~~one or more set top box computers~~ having instructions stored thereon which, when executed by the ~~one or more set top box computers~~, cause the ~~one or more set top box computers~~ to ~~perform operations comprising~~:

receive ~~receiving, by a set top box,~~ update code streamed to the set top box by a server on a predetermined channel;

generate ~~generating, by the set top box,~~ a trigger to check whether the set top box is to invoke the update code that is continuously streamed to the set top box by a server on a predetermined channel;

~~receive, receiving, by the set top box~~ in response to the trigger, an m-bit update flag included in the update code, wherein the m-bit flag does not uniquely identify the set top box;

~~access, accessing, by the set top box~~ in response to the trigger, an n-bit unique hardware identifier assigned to the set top box;

~~compare comparing, by the set top box~~, the m-bit update flag to a predetermined portion of the n-bit unique hardware identifier, wherein n is greater than m;

~~determine determining~~, based on comparing the m-bit update flag to the predetermined portion of the n-bit unique hardware identifier, that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier; ~~and~~

selectively ~~invoke invoking, by the set top box~~, the update code based on determining that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier.

Claim 123

(Currently amended by Examiner) The system of claim 122, wherein ~~the operations further comprise~~ instructions further cause the set top box to:

~~determine determining~~, in response to determining that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier, that the update code is a newer version of code that exists on the set top box, wherein the

Art Unit: 2454

update code is selectively invoked based on determining that the update code is a newer version of code that exists on the set top box.

Claim 124

(Currently amended by Examiner) The system of claim 122, wherein ~~the operations further comprise determining~~ instructions further cause the set top box to determine that the set top box has been booted or rebooted, wherein the trigger is generated based on determining that the set top box has been booted or rebooted.

Claim 125

(Currently amended by Examiner) The system of claim 122, wherein ~~the operations further comprise determining~~ instructions further cause the set top box to determine that a predetermined period of time has elapsed, wherein the trigger is generated based on determining that the predetermined period of time has elapsed.

Claim 126

(Currently amended by Examiner) The system of claim 122, wherein ~~the operations further comprise receiving~~ instructions further cause the set top box to receive a user selection, wherein the trigger is generated based on receiving the user selection.

Claim 127

(Currently amended by Examiner) The system of claim 122, wherein ~~the operations further comprise receiving~~ instructions further cause the set top box to receive a confirmation from the user that the update code is to be invoked, wherein the update code is invoked based on receiving the confirmation from the user.

Claim 128

(Previously presented) The system of claim 122, wherein invoking the update code further comprises identifying a future predetermined time in which the set top box is to download and run other code from the predetermined channel.

Claim 129

(Currently amended by Examiner) A system comprising:

~~one or more computers~~ a server; and

a non-transitory computer-readable medium coupled to the ~~one or more~~ server ~~computers~~ having instructions stored thereon which, when executed by the ~~one or more~~ server ~~computers~~, causes the ~~one or more computers~~ server to perform operations comprising:

~~determining, by a server,~~ determine a first quantity of set top boxes to update from a plurality of set top boxes;

~~determining~~ determine a quantity, n, of bits in an n-bit unique hardware identifier assigned to each set top box;

~~selecting, by the server,~~ select a value, m, based on the quantity of set top boxes to update and the quantity, n, wherein the value, m, is less than the quantity, n;

~~generating, by the server,~~ generate an m-bit update flag;

~~including, by the server,~~ include the m-bit update flag in update code; and

~~streaming, by the server,~~ stream the update code, including the m-bit update flag, to the plurality of set top boxes on a predetermined channel.

Claim 130

(Currently amended by Examiner) The system of claim 129, wherein ~~the operations further comprise~~ instructions further cause the server to:

determine, after streaming the update code to the set top boxes, ~~determining~~ a quantity of users that have provided feedback for the update code.

Claim 131

(Currently amended by Examiner) The system of claim 130, wherein the operations further comprise: instructions further cause the server to:

~~determining, by the server,~~ determine a second quantity of set top boxes to update from the plurality of set top boxes based on the quantity of users that have provided feedback for the update code;

~~selecting, by the server,~~ select a value, o , based on the second quantity of set top boxes to update and the quantity, n , where the value, o , is less than the quantity, n ;

~~generating, by the server,~~ generate an o -bit update flag;

~~including, by the server,~~ include the o -bit update flag in update code; and

~~streaming, by the server,~~ stream the update code, including the o -bit update flag, to the plurality of set top boxes on the predetermined channel.

Claim 132

(Currently amended by Examiner) A non-transitory computer storage medium encoded with a computer program, the program comprising instructions that when

Art Unit: 2454

executed by ~~one or more~~ a set top box computers causes the ~~one or more~~ set top box computers to ~~perform operations comprising:~~

~~receiving, by a set top box,~~ receive update code streamed to the set top box by a server on a predetermined channel;

~~generating, by the set top box,~~ generate a trigger to check whether the set top box is to invoke the update code that is continuously streamed to the set top box by a server on a predetermined channel;

~~receiving, by the set top box~~ receive, in response to the trigger, an m-bit update flag included in the update code, wherein the m-bit flag does not uniquely identify the set top box;

~~accessing, by the set top box~~ access, in response to the trigger, an n-bit unique hardware identifier assigned to the set top box;

~~comparing, by the set top box,~~ compare the m-bit update flag to a predetermined portion of the n-bit unique hardware identifier, wherein n is greater than m;

~~determining,~~ determine based on comparing the m-bit update flag to the predetermined portion of the n-bit unique hardware identifier, that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier; ~~and~~

selectively invoking, invoke by the set top box, the update code based on determining that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier.

Claim 133

(Currently amended by Examiner) The non-transitory computer storage medium of claim 132, wherein the ~~operations further comprise~~ instructions further cause the set top box to:

~~determining~~ determine, in response to determining that the m-bit update flag matches the predetermined portion of the n-bit unique hardware identifier, that the update code is a newer version of code that exists on the set top box, wherein the update code is selectively invoked based on determining that the update code is a newer version of code that exists on the set top box.

Claim 134

(Currently amended by Examiner) The non-transitory computer storage medium of claim 132, wherein the ~~operations further comprise~~ instructions further cause the set top box to ~~determining~~ determine that the set top box has been booted or rebooted, wherein the trigger is generated based on determining that the set top box has been booted or rebooted.

Claim 135

(Currently amended by Examiner) The non-transitory computer storage medium of claim 132, wherein the ~~operations further comprise~~ instructions further cause the set top box to ~~determining~~ determine that a predetermined period of time has elapsed, wherein the trigger is generated based on determining that the predetermined period of time has elapsed.

Claim 136

(Currently amended by Examiner) The non-transitory computer storage medium of claim 132, wherein the ~~operations further comprise~~ instructions further cause the set top box to receiving receive a user selection, wherein the trigger is generated based on receiving the user selection.

Claim 137

(Currently amended by Examiner) The non-transitory computer storage medium of claim 132, wherein the ~~operations further comprise~~ instructions further cause the set top box to receiving receive a confirmation from the user that the update code is to be invoked, wherein the update code is invoked based on receiving the confirmation from the user.

Claim 138

(Currently amended by Examiner) The non-transitory computer storage medium of claim 132, wherein invoking the update code further comprises identifying a future predetermined time in which the set top box is to download and run other code from the predetermined channel.

Claim 139

(Currently amended by Examiner) A non-transitory computer storage medium encoded with a computer program, the program comprising instructions that when executed by ~~the one or more~~ a server ~~computers~~, causes ~~the one or more computers~~ server to ~~perform comprising~~:

~~determining, by a server,~~ determine a first quantity of set top boxes to update from a plurality of set top boxes;

Art Unit: 2454

~~determining~~ determine a quantity, n, of bits in an n-bit unique hardware identifier assigned to each set top box;

~~selecting, by the server,~~ select a value, m, based on the first quantity of set top boxes to update and the quantity, n, wherein the value, m, is less than the quantity, n;

~~generating, by the server,~~ generate an m-bit update flag;

~~including, by the server,~~ include the m-bit update flag in update code; and

~~streaming, by the server,~~ stream the update code, including the m-bit update flag, to the plurality of set top boxes on a predetermined channel.

Claim 140

(Currently amended by Examiner) The non-transitory computer storage medium of claim 139, wherein the ~~operations further comprise~~ instructions further cause the server to:

determine, after streaming the update code to the set top boxes, ~~determining~~ a quantity of users that have provided feedback for the update code.

Claim 141

(Currently amended by Examiner) The non-transitory computer storage medium of claim 140, wherein the ~~operations further comprise~~ instructions further cause the server to:

~~determining, by the server,~~ determine a second quantity of set top boxes to update from the plurality of set top boxes based on the quantity of users that have provided feedback for the update code;

~~selecting, by the server,~~ select a value, o , based on the second quantity of set top boxes to update and the quantity, n , where the value, o , is less than the quantity, n ;

~~generating, by the server,~~ generate an o -bit update flag;

~~including, by the server,~~ include the o -bit update flag in update code; and

~~streaming, by the server,~~ stream the update code, including the o -bit update flag, to the plurality of set top boxes on the predetermined channel.

Claim 142

(Previously Presented) The method of claim 119, wherein the n -bit unique hardware identifier corresponds to systematically distributed data that corresponds to a known criteria.

Claim 143

(Previously Presented) The method of claim 142, wherein the known criteria is one of a geographic region or a preferred program genre.

Claim 144

(Previously Presented) The system of claim 129, wherein the n -bit unique hardware identifier corresponds to systematically distributed data that corresponds to a known criteria.

Claim 145

(Previously Presented) The system of claim 144, wherein the known criteria is one of a geographic region or a preferred program genre.

Claim 146

(Currently amended by Examiner) The non-transitory computer storage medium of claim 139, wherein the n-bit unique hardware identifier corresponds to systematically distributed data that corresponds to a known criteria.

Claim 147

(Currently amended by Examiner) The non-transitory computer storage medium of claim 146, wherein the known criteria is one of a geographic region or a preferred program genre.

Claim 148

(Cancelled by Examiner)

Claim 149

(Currently amended by Examiner) The method of claim [[148]] 121, wherein:
the type of feedback is negative,
the ~~modified~~ second quantity of set top boxes is less than the ~~second~~ first quantity of set top boxes based on the negative feedback, and
the ~~modified~~ value, o [[o']], is less than the value, m [[o]].

Claim 150

(Currently amended by Examiner) The method of claim [[148]] 121, wherein:
the type of feedback is positive,
the ~~modified~~ second quantity of set top boxes is greater than the ~~second~~ first quantity of set top boxes based on the positive feedback, and
the ~~modified~~ value, o [[o']], is greater than the value, m [[o]].

Claim 151

(Cancelled by Examiner)

Claim 152

(Currently amended by Examiner) The system of claim ~~[[151]]~~ 131, wherein:

the type of feedback is negative,

the ~~modified~~ second quantity of set top boxes is less than the ~~second~~ first quantity of set top boxes based on the negative feedback, and

the ~~modified~~ value, \underline{o} ~~[[o']]~~, is less than the value, \underline{m} ~~[[o]]~~.

Claim 153

(Currently Amended by Examiner) The system of claim ~~[[151]]~~ 131, wherein:

the type of feedback is positive,

the ~~modified~~ second quantity of set top boxes is greater than the ~~second~~ first quantity of set top boxes based on the positive feedback, and

the ~~modified~~ value, \underline{o} ~~[[o']]~~, is greater than the value, \underline{m} ~~[[o]]~~.

Claim 154

(Cancelled by Examiner)

Claim 155

(Currently amended by Examiner) The non-transitory computer storage medium of claim ~~[[154]]~~ 141, wherein:

the type of feedback is negative,

the ~~modified~~ second quantity of set top boxes is less than the ~~second~~ first quantity of set top boxes based on the negative feedback, and

the ~~modified~~ value, \underline{o} ~~[[o']]~~, is less than the value, \underline{m} ~~[[o]]~~.

Art Unit: 2454

Claim 156

(Currently amended by Examiner) The non-transitory computer storage medium of claim ~~[[154]]~~ 141, wherein:

the type of feedback is positive,

the ~~modified~~ second quantity of set top boxes is greater than the ~~second~~ first quantity of set top boxes based on the positive feedback, and

the ~~modified~~ value, \underline{o} ~~[[o']]~~, is greater than the value, \underline{m} ~~[[o]]~~.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be seen on the accompanying PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES BARON whose telephone number is (571)270-5661. The examiner can normally be reached on weekdays from 8 - 4 and Monday mornings..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Avellino can be reached on (571)272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. B./
Examiner, Art Unit 2454

/Joseph E. Avellino/

Application/Control Number: 10/561,428

Page 21

Art Unit: 2454

Supervisory Patent Examiner, Art Unit 2454